

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

*In re* Petition of

UNIÓN FENOSA GAS, S.A.

For an Order to Take Discovery from The  
Depository Trust Company Pursuant to 28  
U.S.C. § 1782 in Aid of a Foreign Proceeding

Civil Action No. 1:20-mc-188

***Ex Parte* Petition for Assistance in  
Aid of a Foreign Proceeding  
Pursuant to 28 U.S.C. § 1782**

Petitioner Unión Fenosa Gas, S.A. (“UFG”), by its undersigned counsel, respectfully submits this Petition pursuant to 28 U.S.C. § 1782 to take discovery of The Depository Trust Company (“DTC”), a New York limited-purpose trust company having its headquarters in this District.

Petitioner seeks an order authorizing the issuance of subpoenas *duces tecum* and *ad testificandum* (together, the “**Subpoenas**”) to DTC. This discovery is sought in aid of proceedings pending before the Commercial Court, Queen’s Bench Division of the Courts of England and Wales (“**English Court**”), through which UFG seeks to enforce a US\$ 2.013 billion (plus interest and costs) arbitral award rendered against the Arab Republic of Egypt on August 31, 2018, which award was converted to judgment by the English Court on December 19, 2018.

As is discussed in greater detail in Petitioner’s accompanying memorandum of law, this Petition: (1) meets the three statutory requirements set forth in 28 U.S.C. § 1782 for granting a § 1782 application; and (2) satisfies the four discretionary factors established by the Supreme Court in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 247 (2004) for granting a § 1782 application. Further, as Petitioners’ accompanying memorandum of law further describes, Section 1782 applications are routinely granted *ex parte* *Gushlak v. Gushlak*, 486 F. App’x 215,

217 (2d Cir. 2012) (“[I]t is neither uncommon nor improper for district courts to grant applications made pursuant to § 1782 *ex parte*. [A] respondent’s due process rights are not violated because he can later challenge any discovery request by moving to quash pursuant to Federal Rule of Civil Procedure 45(c)(3).”)

WHEREFORE, Petitioner respectfully requests that the Court grant the Petition and authorize Petitioner to issue Subpoenas to DTC in the form attached hereto as **Exhibit A**, and authorize Petitioner to issue additional subpoenas for the production of documents and/or depositions of DTC as Petitioner reasonably deems appropriate, and as are consistent with the Federal Rules of Civil Procedure; and for the Court to retain jurisdiction over this matter for purposes of enforcing any subpoenas issued herein; and for such other and further relief as the Court deems just and proper.

Dated: New York, New York  
April 8, 2020

Respectfully submitted,

/s/ James Berger  
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